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AS

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/935,365 09/22/97 RUBINSTEIN

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HERK & VOORHEES
643-B SOUTH WASHINGTON STREET
ALEXANDRIA VA 22314

IM62/0718

EXAMINER

OCAMPO, M

ART UNIT

PAPER NUMBER

1723

21

DATE MAILED:

07/19/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

**Notification of Non-Compliance with
37 CFR 1.192(c)**

Application No.
08/935,365

Applicant(s)
Roberts et al.

Examiner
Marianne S. Ocampo

Group Art Unit
1723



The Appeal Brief filed on Jun 26, 2000 is defective for failure to comply with one or more provisions of 37 CFR 1.192(c). See MPEP § 1206.

Applicant is given a TIME LIMIT of ONE MONTH from the date of this letter or any time remaining in the period under 37 CFR 1.192(a) for filing a new complete brief. If a new brief that fully complies with 37 CFR 1.192(c) is not timely submitted, the appeal will be dismissed. The new complete brief must be filed IN TRIPLICATE. See 37 CFR 1.192(a).

1. ☒ The brief does not contain the items required under 37 CFR 1.192(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, pending or cancelled, or does not identify the appealed claims (37 CFR 1.192(c)(3)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 1.192(c)(4)).
4. ☐ The brief does not contain a concise explanation of the claimed invention, referring to the specification by page and line number and to the drawing, if any, by reference characters (37 CFR 1.192(c)(5)).
5. ☒ The brief does not contain a concise statement of the issues presented for review (37 CFR 1.192(c)(6)).
6. ☒ A single ground of rejection has been applied to two or more claims in this application, and
 - a. ☐ the brief omits the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet presents arguments in support thereof in the argument section of the brief.
 - b. ☒ the brief includes the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet does not present arguments in support thereof in the argument section of the brief.
7. ☐ The brief does not present an argument under a separate heading for each issue on appeal (37 CFR 1.192(c)(8)).
8. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 1.192(c)(9)).
9. ☒ Other (including any explanation in support of the above items):

See the attachment for more details.

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**NOTIFICATION OF NON-COMPLIANCE WITH THE REQUIREMENTS OF 37
CFR 1.192(c) ATTACHMENT**

Each issue should be treated under a separate heading. *There should be a separate heading for the discussion or arguments of claims 18 and 19, since they have been presented as two separate issues, as in page 5 of the Appeal Brief.*

The brief does not contain, for each rejection under 35 U.S.C. 103, an argument which specifies the errors in the rejection and, if appropriate, the specific limitations in the rejected claims which are not described in the prior art relied upon in the rejection, and an explanation how such limitations render the claimed subject matter unobvious over the prior art. If the rejection is based upon a combination of references, the argument must explain why the references, taken as a whole do not suggest the claimed subject matter, and shall include, as may be appropriate, an explanation of why features disclosed in one reference may not be properly combined with features disclosed in another reference. A general argument that all the limitations are not described in a single reference does not satisfy the requirements of 37 CFR 1.192(c)(8)(iv). *In particular, the brief lacks an argument which specifies the errors in the rejection of claim 19, and, if appropriate, the specific limitations in the rejected claim which are not described in the prior art [the combination of teachings of Brown (388),*

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Brown (920) and Eades et al. (659)] relied upon in the rejection, and an explanation how such limitations render the claimed subject matter unobvious over the prior art.

Lastly, the brief does not present arguments in support of why claims 1 - 7 do not stand or fall together. The appellant's statement in the brief that certain claims do not stand or fall together is not agreed with because merely pointing out the differences in what the claims cover is not an argument as to why the claims are separately patentable. The brief includes a statement that claims 1 - 7 do not stand or fall together, but fails to present reasons in support thereof as required under 37 CFR 1.192(c)(5). See MPEP § 1206. Claims 1 - 7 should be grouped together, since independent claims 1, 4 and 6 - 7 are all referring to the dimension, particularly the longitudinal length of the underdrain block.

Appellant is required to comply with provisions of 37 CFR 1.192(c).

To avoid dismissal of the appeal, Appellant must comply with the provisions of 37 CFR 1.192(c) within the longest of any of the following TIME PERIODS: (1) ONE MONTH or THIRTY DAYS, whichever is longer, from the mailing of this communication; (2) within the time period for reply to the action from which appeal has been taken; or (3) within two months from the date of the notice of appeal under 37 CFR 1.191. Extensions of these time periods may be granted under 37 CFR 1.136.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marianne S. Ocampo, whose telephone number is (703) 305-1039. The examiner can normally be reached on Monday - Friday from approximately 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda L. Walker, can be reached on (703) 308-0457.

The fax phone number for **Unofficial** faxes (i.e. faxes not to be entered, drafts) for Technology Center 1700 is **(703) 305-3602**. The fax number for **Official** faxes (i.e. faxes to become part of the file history) for this Center is **(703) 305-3599**. When filing a fax in Technology Center 1700, please indicate in the Header (upper right) "Official" for papers that are to be entered into the file, and "Unofficial" for draft documents and other communication with the PTO that are not for entry into the file of the application. This will expedite processing of your papers.

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Any inquiry of a general nature or relating to the status for this application should be directed to the Group receptionist, whose telephone number is (703) 308-0661.

M. S. O.

July 10, 2000

W. L. Walker
W. L. WALKER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700